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REMARKS

The undersigned attorney would like to thank Examiner Nguyen for the helpful telephone interview conducted on March 29, 2006.

During that interview, the Examiner and the undersigned discussed the amendments to applicant's claims set forth above. A copy of these claims had been faxed to the Examiner in advance of the interview (see Exhibit A hereto).

During the interview, agreement was reached on the following points:

- (1) The amendment to Claim 1 which specifies that gravity is the "sole motive force" for moving the separated pane relative to the moving sheet distinguishes the Dryon patent (U.S. Patent No. 3,517,869). (Although not specifically discussed at the interview, this amendment finds support in applicant's specification at, for example, page 3, lines 23-24.)
- (2) The amendment to Claims 2 and 7 which specifies that the vector describing the movement of the sheet (Claim 2) or ribbon (Claim 7) is "characterized by a vertical component and a horizontal component" and further specifies that the "vertical component is substantially greater than the horizontal component" distinguishes Dryon. Thus, dependent Claims 2 and 7, if written in independent form based on independent Claims 1 and 5 prior to amendment, would be allowable.
- (3) The amendment to Claim 5 which specifies that the "ribbon moves continually before, during, and after (a), (b), and (c)," i.e., that the ribbon moves continually before and after the pane separation steps, distinguishes Dryon. (Although not specifically discussed during the interview, this amendment finds support in, for example, applicant's Figures 1-12 and the discussion of those figures in applicant's specification; see, for example, page 11, lines 5 and 14-20.)
- (4) Claim 13 which is Claim 3 written independent form is allowable as previously indicated in the January 30, 2006 final Office Action.

During the interview, the Examiner indicated that the amendments to Claim 1 and 5 could be viewed as raising new issues and thus not appropriate for entry at this point in the prosecution. Applicant respectfully submits that these amendments do not raise new issues but simply clarify applicant's claim language to conform with arguments previously made in the prosecution of this application.

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Thus, with regard to the amendment to Claim 1, in the November 16, 2005 first Final Office Action, the Examiner had stated that in Dryon, the separated pane is moved relative to the moving sheet by "spring 32 pull[ing] the pane 37 down from an inclined surface to a horizontal surface" (11/16/05 Office Action at page 3, lines 7-8). In applicant's January 17, 2006 response to that Office Action, applicant argued that "Dryon is anything but passive" (1/17/06 Amendment After Final Rejection at page 8). In the January 30th second Final Office Action, the Examiner cited the following definition of the word "passive": "receptive to outside influences."

There are, of course, other definitions of "passive", such as "not active or operating." (See Exhibit B hereto.) However, the Examiner did not use such a definition and thus applicant has amended Claim 1 to specify that gravity is the "sole motive force."¹ This is not a new issue, but merely a continuation of the dialog between the Examiner and applicant as to suitable language to capture a fundamental difference between the subject matter of Claim 1 and the Dryon reference.

The same considerations apply to Claim 5. In his January 17th Amendment After Final Rejection, applicant argued:

As to Claim 5, that claim has been amended to further distinguish the claim from the newly-cited Dryon patent. In particular, rather than calling for separating a pane from a sheet of brittle material that moves continuously during steps (a), (b), and (c), and thus can be stationary at other times, the claim now calls for separating a pane from a "continually moving ribbon" of a brittle material. Support for this limitation can be found at, for example, page 11, line 5, of applicant's specification, as well as in Figures 1-12, where ribbon 13 is shown as continually moving.

Dryon plainly does not disclose or in any way suggest separating panes from a continually moving ribbon. Rather, it works exclusively with individual cut sheets (see Dryon's reference number 21), which are further sub-divided into what Dryon refers to as "cut-up masses" of glass (see Dryon's reference number 37).... (1/17/06 Amendment After Final Rejection at page 5.)

¹ For avoidance of doubt, Claim 13 uses the word "passively" in accordance with the Examiner's definition.

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In the January 30th second Final Office Action, the Examiner responded:


Regarding Applicant's argument with respect to Claim 5, the workpieces 21 and 37 in Dryon continuously move during the breaking process; therefore, Dryon meets the claim language. (1/30/06 Office Action at page 4.)

In response to this comment, by the above amendment, applicant has replaced the "continually moving ribbon" language of the January 17th Amendment with the statement that the "ribbon moves continually before, during, and after (a), (b), and (c)." This is not a new issue, but merely a clarification of the argument applicant made in response to the Examiner's citation of Dryon.

In view of these considerations, applicant respectfully submits that this amendment does not raise new issues and accordingly should be entered. Such action and the issuance of a notice of allowance for the application are thus respectfully requested.

Respectfully submitted,

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